

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES May 25, 2004

PRESENT:

Mayor Peter J. Kelly
Deputy Mayor Steve Streach
Councillors: David Hendsbee
Ron Cooper
Harry McInroy
Brian Warshick
Condo Sarto
Bruce Hetherington
Jim Smith
John Cunningham
Jerry Blumenthal
Dawn Sloane
Sue Uteck
Sheila Fougere
Russell Walker
Debbie Hum
Linda Mosher
Stephen Adams
Brad Johns
Robert Harvey
Len Goucher
Reg Rankin
Gary Meade

ABSENT WITH REGRETS:

Councillor Krista Snow

STAFF:

Mr. George McLellan, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Patti Halliday, Acting Municipal Clerk
Ms. Sherryll Murphy, Legislative Assistant

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1. INVOCATION

The meeting was called to order at 6:00 p.m. with Deputy Mayor Streach leading the convocation.

Councillor Fougere commended the organizers of the first Bluenose Marathon on this outstanding event. She noted that more than 3700 participants were involved with the marathon.

Councillor Goucher thanked Ms. Lori Patterson and staff of Public Works for their assistance in locating the plaque bearing the names of those lost in World War II from the Bedford area. The plaque was removed from the Bedford cenotaph by vandals over the weekend.

Councillor Adams advised Council that June 9, 2004 is to be proclaimed Taxi and Limousine Appreciation Day. He noted that the Appreciation Day is an initiative of the Taxi and Limousine Committee and thanked Mr. Don Hatcher, citizen representative on that Committee, for his hard work. A reception, hosted by the Hotel Standards Committee and the Hotel Association of Nova Scotia, will be held on June 9, 2004 from 2 to 3:30 for members of the industry.

Councillor Uteck thanked both the Halifax Police Department for their handling of the recent standoff situation in her District and the neighbours for their patience in a stressful situation.

2. APPROVAL OF MINUTES - None

3. APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS

Additions:

12.1 Halifax Waterfront Plan

12.2 HRM Partnership with WDC

12.3 Legal Matter - Harbour Solutions Permanent Financing

12.4 Property Matter - Tender 04-057, Sale of Tex Park, 1591 Granville Street

12.5 Property Matter - Street Closure - Portion of Kidston Lake Park Right of Way

12.6 Legal Matter - Settlement of Claim Against Halifax Regional Municipality

With reference to agenda item 5.1 Councillor Uteck - May 18, 2004 - Agenda Item 12.1 - Regional Planning, Councillor Uteck withdrew two of the three motions proposed for reconsideration as follows:

“That the Regional Planning report, regarding the **Economic Potential Study**, presented at Committee of the Whole on May 18, 2004 be received and tabled, and included with the information for the Regional Planning process that is anticipated to be completed in June 2005. Further, that staff report back to Council on an as needed basis to keep Council updated on projects.”

“That the Regional Planning report, regarding the **Capital District Public Facilities Needs & Opportunities Study**, presented at Committee of the Whole on May 18, 2004 be received and tabled, and included with the information for the Regional Planning process that is anticipated to be completed in June 2005. Further, that staff report back to Council on an as needed basis to keep Council updated on projects.”

Information Items:

3. Proclamation - Joseph Howe Memorial Day - June 1, 2004
4. Proclamation - Recreation Month - June 2004

4. BUSINESS ARISING OUT OF THE MINUTES

5. MOTIONS OF RECONSIDERATION

5.1 Councillor Uteck - May 18, 2004 - Agenda Item 12.1 - Regional Planning

- Councillor Uteck gave Notice of Motion to Reconsider, seconded by Councillor Sloane, at the May 18, 2004 meeting of Halifax Regional Council. During the setting of the agenda Councillor Uteck withdrew the motions relating to the *Economic Potential Study* and the *Capital District Public Facilities Needs & Opportunities Study*.

MOVED by Councillor Uteck, seconded by Councillor Sloane that Council reconsider the following motion:

***“That the Regional Planning report, regarding the Capital District Urban Design Study, presented at Committee of the Whole on May 18, 2004 be received and tabled, and included with the information for the Regional Planning process that is anticipated to be completed in June 2005.*”**

Further, that staff report back to Council on an as needed basis to keep Council updated on projects.”

Councillor Uteck addressed Council outlining her reasons for reconsideration of this motion as follows:

- The Capital District is the economic growth center for HRM
- 40% of HRM’s jobs are located in the Capital District
- The Capital District generates annually \$600 million in tourism revenue and \$80 million in taxes
- Economic drivers for HRM’s growth are centered in the Capital District (e.g. Universities, Hospitals, Defence, Public Administration, Tourism, Banking and Insurance)
- Council endorsed the need for a Capital District in 2001 and asked staff to come back with the broader picture
- This report represents the broader picture, but tabling this report will only lead to difficulties
- This particular report goes hand in hand with the Regional Plan

A **recorded vote**, as follows, was taken.

MOTION PUT AND DEFEATED.

Members of Council voting **in favour** of the motion were: Mayor Kelly and Councillors Hendsbee, Cunningham, Sloane, Uteck, Fougere, Harvey, and Rankin.

Member of Council voting **against** the motion were: Deputy Mayor Streach and Councillors Cooper, McInroy, Warshick, Sarto, Hetherington, Smith, Blumenthal, Walker, Hum, Mosher, Adams, Johns, Goucher and Meade.

Councillor Snow was absent from the meeting.

6. **MOTIONS OF RESCISSION** - None

7. **CONSIDERATION OF DEFERRED BUSINESS** - None

8. **PUBLIC HEARINGS**

8.1 **By-Law N-200, Respecting Noise Exemption Application - Canadian Cancer Society, Halifax Relay for Life**

- A staff report dated May 17, 2004 prepared for Dan English, Acting Chief Administrative Officer, was before Council for consideration.

Mr. Allan Wayne briefly reviewed the application for an exemption from the Noise By-law made by the Canadian Cancer Society, Halifax Relay for Life and responded to questions from members of Council.

Mayor Kelly called three times for persons wishing to speak in favour or against the application.

Hearing none the following motion was placed.

MOVED by Councillor Goucher, seconded by Councillor Hetherington that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Blumenthal, seconded by Councillor Sloane that Regional Council approve the application by the Canadian Cancer Society, Halifax Relay for Life, for an exemption from the provisions of the Noise By-law on Friday, June 11, 2004 at the Nova Scotia Community College on Bell Road from 7:00 p.m. to 7:00 a.m., as found in Appendix A of the May 17, 2004 staff report. MOTION PUT AND PASSED UNANIMOUSLY.

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence - None

9.2 Petitions - None

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Tender 04-160, Tex Park Demolition

- A staff report dated May 17, 2004 prepared for Dan English, Acting Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Sloane, seconded by Councillor Blumenthal that Regional Council award Tender No. 04-160, Texpark Demolition, to Marinus Verhagen Limited for a tender price of \$432,439.57 plus net HST, for a total of \$460,241, and approve an amount of \$17,298 for testing of materials and unforeseen works that is likely to occur

with a project of this magnitude and complexity, with funding from Property Clearing Account HSOLREST, as per the Budget Implications section of the May 11, 2004 staff report. **MOTION PUT AND PASSED UNANIMOUSLY.**

10.1.2 Tender 04-051, Sanitary Manhole Rehabilitation Program, 2004/05 Pricing Agreement, Various Locations

- A staff report dated May 11, 2004 prepared for Dan English, Acting Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Cunningham seconded by Councillor Warshick that PermaCrete Restoration Services Limited be awarded the pricing agreement tender for the sanitary manhole rehabilitation program, for an estimated cost of \$103,400 plus net HST for a total project cost of \$110,048, from Capital Account No. CSR00503, Infiltration/Inflow Reduction and further that funding be authorized as per the Budget Implications section of the May 18, 2004 report. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.3 Tender 04-221, Street and Settled Trench Patching (East, West, Central Regions)

- A staff report dated May 17, 2004 prepared for Dan English, Acting Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Blumenthal, seconded by Councillor Warshick that Regional Council award Tender No. 04-221, Street and Settled Trench Patching (East, West, Central Regions) to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Tender Price of \$372,500, plus net HST for a total of \$396,448 from Capital Account No. CZU00565, Resurfacing and Operating Account No. GL 2307, Future Settlement Fund, with funding authorized as per the Budget Implications section of the May 17, 2004 staff report. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.4 Tender 04-229, Paving Renewal and Resurfacing - Guysborough Avenue and Rodney Road (East Region)

- A staff report dated May 10, 2004 prepared for Dan English, Acting Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Hetherington, seconded by Councillor Sarto that Council award Tender No. 04-229, Paving Renewal and Resurfacing - Guysborough Avenue and Rodney Road (East Region) to Ocean Contractors Limited for materials and services listed at the unit prices quoted for a Tender Price of \$423,085, plus net HST for a total of \$450,285, from Account No. CYU00563, Paving Renewal Program, Account No. CGU00565, Resurfacing, and Account No. CGU00461, Sewer Lateral Replacements with funding authorized as per the Budget Implications section of the May 10, 2004 staff report. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.5 Capital Budget Increase - Roy Archibald Parkland, Bedford

- A staff report dated April 19, 2004 prepared for Dan English, Acting Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Goucher, seconded by Councillor Blumenthal that Regional Council approve an increase in the Gross Capital Budget to Capital Account No. CPC00680- Park Upgrades in the amount of \$5,000.00, with no change to the Net Budget, to reflect the balance of the 5 percent parkland contribution from Bedford Park Investments Ltd, for the Bedford Park Development, as per the Background Section of the April 19, 2004 staff report. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.6 Sackville Drive Business Association Business Improvement District

- A staff report dated May 18, 2004 prepared for Dan English, Acting Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Harvey, seconded by Councillor Johns that, based on 148 votes received with 94 (64%) in favour and 54 (36%) against, Regional Council:

- 1. Endorse the Sackville Drive Business Association's proposal to develop a Business Improvement District in the Sackville Drive business community; and**
- 2. Approve levy rates of \$0.14 on the commercial assessment, and \$0.10 on the business occupancy assessment within the Business Improvement District effective in the 2004-05 fiscal year with a minimum of \$50 and a maximum of \$750 per account per fiscal year.**

Councillor Smith expressed concern regarding the process asking if this particular process is valid. He went on to note that there had been no process in place for the establishment of Business Improvement Districts in downtown Halifax, Dartmouth and Spring Garden Road.

In order to provide for Council approval of Business Improvement Districts, staff brought the establishment of Business Improvement Districts under the area rate process. Councillor Smith asked if, in fact, Council should be involved in this manner.

Mr. Anstey, Municipal Solicitor, clarified that there was a process for Business Improvement Districts within the Charters of both Halifax and Dartmouth. The process was one of a negative vote - meaning that if there were not a majority against the Business Improvement District, it would be established. Mr. Anstey indicated that this process was used in the Herring Cove Road area and it came under some criticism because area business owners did not feel a negative vote was appropriate.

Ms. Dale MacLennan, Director, Financial Services, further explained that staff had introduced the process for interim area rates to the establishment of Business Improvement Districts in response to criticisms regarding the previous process. Ms. MacLennan noted that the formulation of a Business Improvement District is essentially the application of an area rate. Consequently, it seemed logical that the interim area rate guidelines be applied. This process includes public consultation, a positive vote and the agreement of the area Councillor.

Ms. MacLennan went on to note that staff has recently questioned how well the process is working given the lack of response to the call for public consultation and low voter participation (e.g. 10 people from an area of 10,000 coming out to a meeting and agreeing to the area rate). Consequently, staff is reviewing the interim area rate guidelines and these will be coming back to Council. Ms. MacLennan indicated that the BIDC area rates would be included within that process.

Referring to the Spryfield Business Improvement District, Councillor Mosher noted that when she approved the establishment of the Improvement District she was under the impression that it was only the Herring Cove Road. However, businesses on the St. Margaret's Bay Road and the Purcell's Cove Road have been billed. Councillor Mosher expressed concern that the staff report referred to generally the Herring Cove Road area and yet businesses in other areas of the District were billed. Councillor Mosher asked if it was legal for the Business Commission to unilaterally decide upon the boundaries.

Ms. MacLennan, noting that there were concerns beyond the matter before Council this evening, suggested that this matter be considered at a future Committee of the Whole Council.

Councillor Mosher indicated that non profit groups are being billed under this present process and requested that in future all non profit groups not be billed.

Following a further short discussion, the **MOTION WAS PUT AND PASSED.**

10.1.7 Proposed By-Law B-501, An Amendment to By-law B-500, Respecting Building Service Connections

- A staff report dated May 17, 2004 prepared for Dan English, Acting Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Mosher, seconded by Councillor Goucher that Regional Council approve in principle an amendment to By-law B-500 Respecting Building Service Connections as shown in Appendix A of the May 17, 2004 staff report and have staff arrange for its formal introduction via a Notice of Motion. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.8 Capital District Urban Design Study & Public Facilities Needs and Opportunity Study

- A supplementary staff report dated May 19, 2004 prepared for Dan English, Acting Chief Administrative Officer, was before Council for consideration.

Ms. Jacqueline Hamilton, in response to Councillor Uteck, advised that the purpose of the report was to address concerns expressed by Council at the May 18, 2004 meeting of Regional Council. Ms. Hamilton noted that staff is also seeking Council approval of key aspects the Urban Design Study.

MOVED by Councillor Uteck, seconded by Councillor Cunningham that Council endorse portions of the Capital District Urban Design Study, namely the Streetscape Design Guidelines and the Wayfinding Signage System as templates to guide future investment and programming within the Capital District.

Following a brief discussion and questioning of staff, the **MOTION WAS PUT AND PASSED UNANIMOUSLY.**

11. MOTIONS - None.

12. ADDED ITEMS

12.1 Halifax Waterfront Plan

- This matter was considered at the Committee of the Whole Council held earlier today and was before Council for ratification.

MOVED by Councilor Sloane, seconded by Councillor Fougere that Halifax Regional Council direct staff to:

- **Retain consultants to conduct an update of the 2001 consultant's report and undertake a renewed public consultation process.**
- **Reconstitute the Stakeholder Committee. The Committee, together with staff and the consultant, will help design and lead the public consultation program.**
- **Based on public feedback, consider revisions to the Concept Plan for the waterfront.**
- **Present the revised Concept Plan to Regional Council for approval in principle.**
- **Based on Council's direction, proceed to draft MPS policies and Bylaw regulations that implement the Concept Plan.**
- **Hold additional public consultation in advance of proceeding to Regional Council for a public hearing.**
- **Request staff to provide in a report, options as to the potential governance structure relating to planning issues with region-wide implications.**

MOTION PUT AND PASSED UNANIMOUSLY.

12.2 HRM Partnership with WDC

- This matter was considered at the Committee of the Whole Council held earlier today and was before Council for ratification.

MOVED by Councillor Cunningham, seconded by Councillor Blumenthal that Halifax Regional Municipality continue its partnership with the WDC as it relates to the Waterfront Development Plan. MOTION PUT AND PASSED UNANIMOUSLY.

12.3 Legal Matter - Harbour Solutions Permanent Financing

Conflict of Interest

Councillor Hetherington declared a conflict of interest as he was a member of the Municipal Finance Board and withdrew from the meeting.

- This matter was considered at the In Camera Council Session held earlier today and was before Council for ratification.

MOVED by Councillor Rankin, seconded by Councillor Cooper that:

- 1. Halifax Regional Council approve the immediate placement of long term financing in the amount of \$110,000,000 for the Halifax Harbour Solutions Project with the costs of financing funded by the Environmental Protection Levy component of the Pollution Control rate currently approved by Halifax Regional Council.**
- 2. Council instruct staff to conclude negotiations with the Nova Scotia Municipal Finance Corporation for the immediate borrowing of the full amount of \$110,000,000 on an unhedged basis.**
- 3. Staff be authorized to continue negotiations with Stonebridge Financial Corporation to determine if the financing proposal offered on a hedged tranche basis can be further refined to result in a cost of lower than that offered by the MFC.**
- 4. Staff return to Council on June 15, 2004 with a recommendation on the final financing package and lender.**
- 5. The firms of Cox Hanson and KPMG be appointed to assist in the detailed negotiations required to conclude the permanent financing arrangements.**
- 6. The report dated May 18, 2004 not be released to the public.**

MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Hetherington re-joined the meeting.

12.4 Property Matter - Tender 04-057, Sale of Tex Park, 1591 Granville Street

- This matter was considered at the In Camera Council Session held earlier today and was before Council for ratification.

MOVED by Councillor Sloane, seconded by Councillor Warshick that Regional Council:

- 1. Award Tender No. 04-057, to United Gulf Developments Limited for the submitted tender price as outlined in the May 19, 2004 report plus applicable HST.**
- 2. Authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale with United Gulf Developments Limited for 1591 Granville Street, subject to the key business terms and conditions outlined in the report dated May 19, 2004.**
- 3. The contents of this report not be released to the public until the property transaction has closed.**

MOTION PUT AND PASSED UNANIMOUSLY.

12.5 Property Matter - Street Closure - Portion of Kidston Lake Park Right of Way

- This matter was considered at the In Camera Council Session held earlier today and was before Council for ratification.

MOVED by Councillor Adams, seconded by Councillor Walker that Halifax Regional Council authorize staff to set a date for a joint public hearing for Chebucto Community Council's consideration of the re-zoning of a portion of Lot 68 and 69 Fieldstone Street, and Regional Council's consideration of HRM Administrative Order SC-32 concerning the closure of a portion of the Kidston Lake Park Right of Way, Halifax, as shown on Attachment "A", based on key terms and conditions outlined in the report dated May 13, 2004. MOTION PUT AND PASSED UNANIMOUSLY.

12.6 Legal Matter - Settlement of Claim Against Halifax Regional Municipality

- This matter was considered at the In Camera Council Session held earlier today and was before Council for ratification.

MOVED by Councillor Warshick, seconded by Councillor Sarto that Halifax Regional Council settle this claim brought by the Plaintiff in the amount of \$14,500.00 as settlement in full upon obtaining a full release from the Plaintiff from any further claims arising out of the accident which occurred on September 28, 1999. MOTION PUT AND PASSED.

13. NOTICES OF MOTION

13.1 Councillor Hendsbee - Amendment to Administrative Order Number 33

Councillor Hendsbee gave Notice of Motion of his intent to, at the next regular meeting of Halifax Regional Council to be held on Tuesday the 8th day of June 2004, place before Council for adoption as a policy pursuant to the Municipal Government Act an amendment to Administrative Order Number 33, the Open Air Burning Administrative Burning Order, the purpose of which is to repeal the current Section 2 of the Administrative Order and to substitute for it the following Section:

2. A burning permit is not required in the following Fire Protection Districts providing all requirements that are outlined in Section 13 of the By-law O-103 are met:

Cooks Brook	Three Harbours/Port Dufferin	Upper Musquodoboit
Dutch Settlement	Mushaboom	Sheet Harbour
Meagher's Grant	Musquodoboit Harbour	Tangier
Middle Musquodoboit	Ostrea Lake	
Moose River	Oyster Pond	
Mooseland		

13.2 Councillor Hendsbee: Amendment to By-law O-103, the Outdoor Burning By-law

Councillor Hendsbee gave Notice of Motion of his intent to, at the next regular meeting of Halifax Regional Council, to be held on Tuesday, the 8th day of June 2004, to place before Council for adopt as amendments to By-law O-103, the Outdoor Burning By-law, the following for First Reading:

1. amend Section 4(e) to reduce the distance from the nearest adjacent dwelling that a person may conduct burning outside the No Burn Zone from 125 feet to 75 feet;
2. amend Section 4 (e)(i) to further reduce the distance from the nearest adjacent dwelling to no less than 50 feet if the owner of the adjacent dwelling consents to such reduction, and permitting a joint application for a burning permit outside the No Burn Zone being made by the owners of adjacent dwellings

3. amend Section 12(c) and 13 (b) to reduce the distance that materials to be burned shall be piled and placed from other combustible materials or adjacent property lines from 50 feet to 25 feet.

13.3 Councillor Mosher - By-law B-501

Councillor Mosher gave Notice of Motion of her intent to, at the next regular meeting of Halifax Regional Council to be held on Tuesday the 8th of June, 2004, introduce for First Reading By-law Number B-501, Respecting Building Service Connections, the purpose of which is to amend By-law B-500, Respecting Building Service Connections.

13.4 Councillor Adams - Administrative Order SC-32

Councillor Adams gave Notice of Motion of his intent to, at the regular meeting of Halifax Regional Council to be held on the 15th day of June, 2004, introduce for adoption by Regional Council as a Policy pursuant to Section 315 of the Municipal Government Act, Administrative Order SC-32, the purpose of which is to effect closure of a portion of the Kidston Lake Right of Way, Halifax, Nova Scotia.

13.5 Councillor Hetherington - Administrative Order 35 - Adoption of HRM Procurement Policy

Councillor Hetherington gave Notice of Motion of his intent to, at the next regular meeting of Halifax Regional Council to be held on Tuesday, the 8th day of June 2004, place before Council for adoption as a policy pursuant to the Municipal Government Act, Administrative Order 35, the purpose of which is to formally adopt the HRM Procurement Policy in accordance with the provisions of the Municipal Government Act.

14. ADJOURNMENT

There being no further business, the meeting adjourned at 7:05 p.m.

Patti Halliday
Acting Municipal Clerk